IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N. RAMACHANDRAN NAIR

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 21147 of 2007(P)

PETITIONER:

P.S. LALU, AGED 50 YEARS,
S/O. LATE P.S. MONI,
ALANKAR JEWELLERS,
CHEMBAKA BUILDING 583/20,
MULLAKKAL P.O., MULLAKKAL,
ALAPPUZHA.

BY ADV. SRI. C.S. MANU
SRI. S.K. PREMRAJ
SRI. ANOOP JOSEPH
SRI. ANOOP V. NAIR
SRI. ABHILASH AKBAR

RESPONDENTS:

1. **STATE OF KERALA, REP. BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

2. **CONSUMER REDRESSAL FORUM, ALAPPUZHA REP. BY ITS PRESIDENT.**

3. **DISTRICT COLLECTOR, ALAPPUZHA.**

4. **DEPUTY TAHSILDAR (RR), AMBALAPPUZHA TALUK, ALAPPUZHA.**

5. **VILLAGE OFFICER, MULLAKKAL VILLAGE, ALAPPUZHA.**

6. **R. SUDHAKARA SHENOI, RETHEESHALAYAM, MANNANCHERRY P.O, ALAPPUZHA.**

7. **REMADEVI P.R., RETHEESHALAYAM, MANNANCHERRY P.O, ALAPPUZHA.**

BY GOVERNMENT PLEADER SMT. N. SUDHA DEVI.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 21147 of 2007

Dated, this the 10th day of July, 2007

J U D G M E N T

The prayer in the writ petition is only for installment facility for clearing the compensation awarded by Consumer Forum in favour of the 6th & 7th respondents. It is seen that petitioner accepted deposits from 6th & 7th respondents and failed to return the amount with interest. Consequently, CDRF awarded compensation to 6th & 7th respondents, which are not under challenge in this writ petition. Question of granting instalment arises only if petitioner is earning income on a regular basis and such instalment should carry interest also. Moreover, granting of interest and consequent delay should not lead to an opportunity to the petitioner to part with assets. Without being convinced about petitioner's business and other sources of income and capacity to repay in instalments, instalments cannot be granted by this Court to the petitioner. Dragging respondents 6 & 7 to this Court only for deciding this issue is also not proper because they have already suffered on account of petitioner's conduct.

2. In the circumstances, if petitioner wants to avail instalment facility, I feel that petitioner can approach the District Collector with

proposal and District Collector will consider the same after taking the interest of 6th & 7th respondents, and if necessary after hearing them also. This WP(C) is accordingly closed leaving freedom to the petitioner to approach the District Collector for instalment facility.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg